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|---|-------------|-----------------------------|---------------------------------|------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO.             | CONFIRMATION NO. |
| 10/724,596  | 12/01/2003  | Rory Albert James Pynenburg | 11848/12                        | 9857             |
| 23838 7590 04/05/2007<br>KENYON & KENYON LLP<br>1500 K STREET N.W.<br>SUITE 700<br>WASHINGTON, DC 20005 |             |                             | EXAMINER<br>AUGHENBAUGH, WALTER |                  |
|   |             |                             | ART UNIT                        | PAPER NUMBER     |
|   |             |                             | 1772                            |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE  |             | MAIL DATE                   | DELIVERY MODE                   |                  |
| 3 MONTHS  |             | 04/05/2007                  | PAPER                           |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

### Application No.

10/724,596

### Applicant(s)

PYNENBURG, RORY ALBERT  
JAMES

### Examiner

Walter B. Aughenbaugh

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 49,55,56,58-61 and 70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49,55,56,58-61 and 70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgement of Applicant's Amendments***

1. The amendment made in claim 49 in the Amendment filed January 19, 2007 (Amdt. C) has been received and considered by Examiner.
2. New claim 70 presented in Amdt. C have been received and considered by Examiner.

### ***WITHDRAWN OBJECTION***

3. The objection to the specification made of record in paragraph 4 of the previous Office Action mailed July 27, 2006 has been withdrawn due to Applicant's arguments on page 4 of Amdt. C.

### ***WITHDRAWN REJECTION***

4. The 35 U.S.C. 112 rejection of claim 60 made of record in paragraph 6 of the previous Office Action mailed July 27, 2006 has been withdrawn due to Applicant's arguments on page 4 of Amdt. C.

### ***REPEATED REJECTIONS***

#### ***Claim Rejections - 35 USC § 102***

5. The 35 U.S.C. 102 rejection of claims 49, 59 and 61 made of record in paragraph 8 of the previous Office Action mailed July 27, 2006 has been repeated for the reasons previously made of record, and for the following reasons that address the amendment in claim 49 in Amdt. C: a "package being defined by a single sheet of laminate material that is folded along its length" falls within the scope of the teachings of Louie et al. because Louie et al. teach that the packaged device "can be conformed to a given form factor" (col. 4, lines 48-54) and that the storage devices "can be made with flexible, i.e., conformable stacks" (col. 4, lines 62-65). Since the

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packaged device “can be conformed to a given form factor” (col. 4, lines 48-54) and is flexible, the package can be folded to “conform[] to a given form factor”. Furthermore, Examiner notes that claim 49 does not require that any of the claimed layers are actually folded: claim 49 does not establish any relationship between the “package being defined by a single sheet of laminate material that is folded along its length”, and the claimed layers, which are recited as components of the package (“the single sheet of laminate material that is folded along its length” is not positively recited as a component of the package).

***Claim Rejections - 35 USC § 103***

6. The 35 U.S.C. 103 rejection of claims 55, 56, 58 and 60 made of record in paragraphs 10 and 11 of the previous Office Action mailed July 27, 2006 have been repeated for the reasons previously made of record, and for the reasons provided above that address the amendment in claim 49 in Amdt. C.

***NEW REJECTION***

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Louie et al. (USPN 5,591,540).

Louie et al. teach a laminate package for an energy storage device (col. 1, lines 5-10 and Fig. 3 and 4) having two terminals (items 34 and 36, col. 3, lines 21-24 and 54-67 and Fig. 1, 3 and 4). Louie et al. teach that the laminate package comprises a single sheet of laminate material (item 12 or 28, Fig. 1). Louie et al. teach that the laminate package includes an inner barrier layer

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for defining a cavity to contain the energy storage device (Fig. 3) having two opposed portions (corresponding to layer 25 at the top of Fig. 1 and layer 23 at the bottom of Fig. 1 which are coextruded with a polymer that serves as a vapor barrier, see col. 2, lines 31-41) that are sealingly engaged with each other and from between which the terminals extend from the cavity (col. 2, lines 31-50, col. 4, lines 16-48 and Fig. 1, 3 and 4). Louie et al. teach a sealant layer (polymer sealing strip, item 30) disposed intermediate the inner barrier layer (item 25 or 23) and at least one of the terminals for sealing the inner barrier layer to that one of the terminals and for offering a barrier to the passage of one or more contaminants into the cavity (see Fig. 1 and 3, for example, item 30 is between item 25, an inner barrier layer, and item 36, a terminal which is adjacent the sealant layer, item 30). Louie et al. teach an outer barrier layer (corresponding to either layer 23 or 27 at the top of Fig. 1 and either layer 25 or 27 at the bottom of Fig. 1 - layers 23 and 25 are coextruded with a polymer that serves as a vapor barrier and layer 27 is polyvinylidene chloride, which is a vapor barrier, see col. 2, lines 31-44) that is bonded to the inner barrier layer (Fig. 1). Louie et al. teach that the package has a metal layer (metal foils 14 and 26, col. 2, lines 50-55). Louie et al. teach that the packaged device “can be conformed to a given form factor” (col. 4, lines 48-54) and that the storage devices “can be made with flexible, i.e., conformable stacks” (col. 4, lines 62-65). Since the packaged device “can be conformed to a given form factor” (col. 4, lines 48-54) and is flexible, the package can be folded to “conform[] to a given form factor”.

Louie et al. fail to explicitly teach that the sheet of laminate material is folded along the length (Examiner interpretes “the length” as referring to the length of the sheet).

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However, since Louie et al. teach that the packaged device “can be conformed to a given form factor” (col. 4, lines 48-54), which results in a great processing advantage over prior art packages (col. 4, lines 53-54), and that the storage devices “can be made with flexible, i.e., conformable stacks” (col. 4, lines 62-65), one of ordinary skill in the art would have recognized to have folded the sheet of laminate material along the length of the sheet in order to “conform[ the package] to a given form factor”, depending on the desired end result, since Louie et al. teach that it is well known to conform flexible packages of charge storage devices, such as those packages of Louie et al., to a given form factor for a great processing advantage over prior art packages as taught by Louie et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have folded the sheet of laminate material along the length of the sheet in order to “conform[ the package] to a given form factor”, depending on the desired end result, since Louie et al. teach that it is well known to conform flexible packages of charge storage devices, such as those packages of Louie et al., to a given form factor for a great processing advantage over prior art packages as taught by Louie et al.

### ***Response to Arguments***

9. Applicant’s arguments presented on pages 4-6 of Amdt. C regarding the 35 U.S.C. 102 rejection have been fully considered but are not persuasive.

Applicant argues that Louie et al. do not teach a sealant layer between the inner barrier layer and at least one of the terminals, but as stated in paragraph 8 of the previous Office Action mailed July 27, 2006:

Louie et al. teach a sealant layer (polymer sealing strip, item 30) disposed intermediate the inner barrier layer (item 25 or 23) and at least one of the terminals for sealing the



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inner barrier layer to that one of the terminals and for offering a barrier to the passage of one or more contaminants into the cavity (see Fig. 1 and 3, for example...

For example, polymer sealing strip, item 30, is disposed intermediate inner barrier layer, item 23 (at the bottom of Fig. 1), and one of the terminals, item 36 (Fig.1).

10. Applicant's arguments presented on page 6 of Amdt. C regarding the 35 U.S.C. 103 rejection of claim 60 have been fully considered but are not persuasive. Applicant's arguments here do not address the substance of the rejection of record.

11. Applicant's arguments presented on pages 6-7 of Amdt. C regarding the 35 U.S.C. 103 rejection of claims 50, 56 and 58 have been fully considered but are not persuasive. Applicant's arguments here depend upon Applicant's arguments presented on pages 4-6 of Amdt. C regarding the 35 U.S.C. 102 rejection, which have been addressed above. Applicant argues that the configuration taught by Sasaki is different from the configuration of Applicant, but the proposed rejection of record results in the structure that is claimed.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

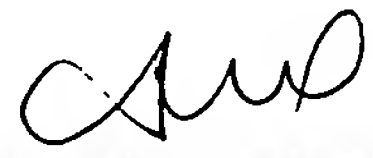
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Walter B. Aughenbaugh  
03/30/07

WBA

  
JENNIFER MCNEIL  
SUPERVISORY PATENT EXAMINER

3/21/7